



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 220223-0054]

RTID 0648-XC510

### Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species in the Bering Sea and Aleutian Islands Management Area

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; apportionment of reserves; request for comments.

**SUMMARY:** NMFS apportions amounts of the non-specified reserve to the initial total allowable catch (ITAC) of Bering Sea (BS) “other rockfish,” BS Pacific ocean perch, BS sablefish, and Bering Sea and Aleutian Islands (BSAI) skates. This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI management area.

**DATES:** Effective November 2, 2022, through 12 a.m., Alaska local time, January 1, 2023. Comments must be received at the following address no later than 4:30 p.m., Alaska local time, November 17, 2022.

**ADDRESSES:** You may submit comments on this document, identified by docket number NOAA-NMFS-2022-0076, by any of the following methods:

*Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2022-0076 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

*Mail:* Submit written comments to Josh Keaton, Acting Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (*e.g.*, name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the BSAI Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2022 ITAC of BS “other rockfish” was established as 638 metric tons (mt), the 2022 ITAC of BS Pacific ocean perch was established as 8,799 mt, the 2022 ITAC of BS sablefish was established as 4,343 mt, and the 2022 ITAC of BSAI skates was established as 25,500 mt by the final 2022 and 2023 harvest specifications for groundfish of the BSAI (87 FR 11626, March 2, 2022). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITACs for BS “other rockfish,” BS Pacific ocean perch, BS sablefish, and BSAI skates need to be supplemented from the non-specified reserve to

promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportions from the non-specified reserve of groundfish to ITACs in the BSAI management area as follows: 281 mt to BS “other rockfish,” 1,553 mt to BS Pacific ocean perch, 197 mt to BS sablefish, and 5,600 mt to BSAI skates. These apportionments are consistent with § 679.20(b)(1)(i) and do not result in overfishing of any target species because the revised ITACs and total allowable catches (TACs) are equal to or less than the specifications of the acceptable biological catch in the final 2022 and 2023 harvest specifications for groundfish in the BSAI (87 FR 11626, March 2, 2022).

The harvest specification for the 2022 ITACs and TACs included in the harvest specifications for groundfish in the BSAI are revised as follows: 919 mt for BS “other rockfish,” 10,352 mt for BS Pacific ocean perch, 4,540 mt for BS sablefish, and 31,100 mt to BSAI skates.

### **Classification**

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the apportionment of the non-specified reserves of groundfish to the BS “other rockfish,” BS Pacific ocean perch, BS sablefish, and BSAI skates. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 26, 2022.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Under § 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see **ADDRESSES**) until November 17, 2022.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: November 2, 2022.

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Kelly Denit,

Director, Office of Sustainable Fisheries,

National Marine Fisheries Service.

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